

Change the chapter heading for Spe 200 to read as follows:

CHAPTER Spe 200 RULES OF PRACTICE AND PROCEDURE

Repeal Spe 201, effective 2/6/20 (Document #12987), as follows:

~~[PART Spe 201 APPLICABILITY OF Ahp 200~~

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— Spe 201.01 Rules of Practice and Procedure. The Ahp 200 rules shall govern with regards to all procedures for:~~

- ~~— (a) The receipt of misconduct complaints;~~
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- ~~— (b) The conduct of disciplinary proceedings;~~
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- ~~— (c) Rulemaking petitions and disposition of rulemaking petitions;~~
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- ~~— (d) Public comment hearings;~~
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- ~~— (e) Declaratory rulings;~~
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- ~~— (f) Explanation of adopted rules; and~~
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- ~~— (g) Voluntary surrender of licenses.]~~

Adopt Part Spe 201 to read as follows:

PART Spe 201 APPLICABILITY AND WAIVER OF SUBSTANTIVE RULES

Spe 201.01 Rules of Practice and Procedure. The Plc 200 rules shall govern with regards to all procedures for:

- (a) Adjudicatory proceedings;
- (b) Rulemaking submissions, considerations, and dispositions of rulemaking petitions;
- (c) Public comment hearings;
- (d) Declaratory rulings;
- (e) All statements of policy and interpretation;
- (f) Explanation of adopted rules; and
- (g) Voluntary surrender of licenses.

Spe 201.02 Waiver of Administrative Rules.

(a) The board shall initiate a waiver of a substantive rule upon its own motion by providing affected parties with notice and opportunity to be heard, and issuing an order which finds that waiver would be necessary to advance the purpose of the rules of the board.

(b) Individuals who wish to request a waiver of a rule shall submit a written request to the board, which includes:

- (1) The rule for which a waiver is requested;
 - (2) The anticipated length of time the requested waiver will be needed;
 - (3) The reason for requesting the waiver;
 - (4) Evidence of how the waiver will provide for the health and safety of the consumer or licensee;
 - (5) A time-limited written compliance plan which sets forth plans to achieve compliance including an estimated date of compliance; and
 - (6) The signature of the applicant.
- (c) The board shall consider the following when determining whether to approve or deny a waiver:
- (1) If adherence to the rule would cause the petitioner unnecessary or undue hardship;
 - (2) If the requested waiver is necessary because of any neglect or misfeasance on the part of the practitioner;
 - (3) If enforcement of the rule would injure a third person(s); and
 - (4) If waiver of the rule would injure a third person(s).
- (d) The board shall approve a waiver of an administrative rule request only if:
- (1) Granting a waiver does not have the effect of waiving or modifying a provision of RSA 326-F;
 - (2) The petitioner has shown good cause exists pursuant to (c) above to waive the rule; and
 - (3) The board determines that the individual's plans for compliance with the rule includes an estimated date of compliance and eventual compliance.

(e) If the board, after receiving and reviewing a request for a waiver, requires further information or documentation to grant or deny the waiver, the board shall:

- (1) Notify the applicant in writing within 30 days; and
- (2) Specify the information or documentation the board requires.

(f) The board shall issue a written approval or denial of the waiver within 60 days of the date the request is received, unless additional information or documentation is required. If additional information

and documentation is required, then the board shall issue a written approval or denial within 60 days of receiving the requested information or documentation.

RULE	STATUTE
Spe 201 (repeal)	RSA 541-A:16, I(b)-(d)
Spe 201.01	RSA 310:6, II
Spe 201.02	RSA 541-A:16, I (b)